Supreme Court, U.S.
FILED

(2) 931464 FEB - 3 1994

No.

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

October Term, 1993

George F. Strobridge, Petitioner

versus

United States of America
United States Attorney General
United States Dept. of Justice
State of New York
New York State Attorney General
New York State Public Service Commission
County of Monroe
Monroe County District Attorney
Monroe County Public Defender
City of Rochester
Rochester City Court
Monroe County Bar Association
American Civil Liberties Union
Rochester Telephone Corporation,
Board of Directors

RESPONDENTS

---

# "APPENDIX TO THE PETITION FOR A WRIT OF CERTIORARI " TO THE 2nd.CIRCUIT COURT OF APPEALS

---

George F. Strobridge, PRO SE
PETITIONER
4058 East Henrietta Road
Henrietta, New York 14467
Tel.No. 716- 359-3497

13 pp

Table of Contents

""ORDER OF "" U.S.Court of Appeals
2nd. Circuit

pages 2,3,4

""ORDER OF District Court,WDNY

Pages 5 - 12

Notice to whom it may concern.....
Copies of all papers to be hand delivered to NATION OF CHINA..If the leaders of the Nation of CHINA cannot be allowed to VIOLATE THE RIGHTS OF THE PEOPLE OF CHINA. Then the Courts and Leaders of the United States of America cannot do so either.

The United States of America cannot continue to shove our CONSTITUTION down the throats of the world.While the Leaders and Courts of the United States of America USE OUR CONSTITUTION FOR TOILET PAPER, AS THESE AND OTHER PAPERS PROVE.

JDM ano

Skretney
WDNY
92 CV 575

United States Court of Appeals
for the SECOND CIRCUIT

At a stated Term of the United States Court of Appeals for the Second Circuit, held at the United States Courthouse in the City and County of New York, on the 19th. day of November, one thousands nine hundred and ninety three.

Present; Honorable J.Daniel Mahoney,

Honorable Joseph M. McLaughlin

Honorable Gerald W.Heaney
*sitting by designation*

Circuit Judges

---

""Stamp of""
U.S.Court of Appeals
Second Circuit
FILED
Nov.19,1993
Eline B.Goldsmith,Clerk

---

George F.Strobridge,
Plaintiff-Appellant

-against -

United States of America, et al
Defendants-Appellees

---

Order
No. 93-6018

Appeal from the United States District Court for the Western District of New York.

This case came on to be heard on the transcript of record from the United States District Court for the Western District of New York,and was submitted.

On CONSIDERATION WHEREOF,it is now ordered, adjudged,and decreed that the judgement of said district court be and it hereby is AFFIRMED.

Plaintiff-appellant George F. Strobridge appeals pro se from a judgement entered January 28, 1993 in the United States District Court for the Western District of New York , William M. Skretney,
Judge, that dismissed Strobridge's complaint with prejudgice for failure to make a short, plain statement of his claim as required by Fed.R Civ.P.8(a)(2).

The district court had initially dismissed Strobridge's complaint with leave to replead, which Strobridge failed to do. We affirm substantially for the reasons stated in the opinion of the district court that dismissed the complaint. See Strobridge V United States, 92CV 575S, (WDNY Jan.5,1993 ).

signed by Hon.Daniel Mahoney,U.S.C.J.
Hon.Joseph M.McLaughlin,USCJ.
Hon.Gearld W. Heany, U.S.C.J.

N.B. This summary order will not be published in the federal reporter and should not be cited or otherwise relied upon in unrelated cases before this or any other court.

United States District Court
Western District of New York

---

George F. Strobridge, Plaintiff

DECISION AND ORDER

92-CV-575S

V,

UNited States of America
U.S.Attorney General
U.S.Dept. of Justice
State of New York
New York State Attorney General
New York State Public Service Commission
County of Monroe
Monroe County District Attorney
Monroe County Public Defender
City of Rochester
Rochester City Court
Monroe County Bar Association
American Civil Liberties Union
Rochester Telephone Corporation,
Board of Directors.

DEFENDANTS

---

INTRODUCTION

Plaintiff George F. Strobridge filed this action PRO SE alleging violations of his CIVIL RIGHTS pursuant to 42 U.S.C.§§ 1983.

Above Defendants have moved to dismiss the Complaint pursuant to FED.R.Civ.P.8 and/or 12(b)(6).

[1] In addition to his Complaint dated March 24, 1992, Plaintiff submitted documents entitled, "Amendment to Complaint" and "Amendment to Relief Requested" dated July 20, 1992. This Court will consider these amendments as part of plaintiff's original Complaint for the purposes of this Decision and Order.

Plaintiff has also filed a motion seeking to join ten additional defendants, including the United States Postal Service.

For reasons set forth below, this Court Grants Defendants Motions to dismiss the Complaint. Furhtermore this Court denies plaintiffs motion to join additional defendats as moot.

DISCUSSION

A pro se complaint must be liberally construed, Haines V, Kerner, 404 U.S. 519, 520, 92 S.Ct. 594. 596, 30 L.Ed. 2d 652

( 1972 ) ( per curiam ); Bass V Jackson,790 F.2d 260,262 ( 2d Cir. 1986, and all possible inferences must be made in favor of the PRO SE plaintiff. Barsella v United States, 135 F.R.D.64,66 (-- S.D.N.Y. 1991). Affording the complaint herein the aforementioned requirements, It nevertheless must be dismissed.

Fed.R.Civ.P. 8(a)(2) mandates that a complaint contain a "short and plain statement of the claim showing that the pleader is entitled to relief." Furthermore,"(e)ach averment of a pleading shall be simple, concise,and direct." Fed.R.Civ.P.8(e)(1). These rules are meant "to compel a plaintiff to identify the revevant circumstances which he claims entitle him to relief in such manner that the defendant is provided with fair notice so as to enable to answer and prepare for trial." Barsella,135 F.R.D. at 65-66;see Salahuddin v cuomo - - -

Salahuddin v cuomo, 861 F.2d 40, 42-2d Cir. 1988); Prezzi V. Berzak, 57 F. R.D. 149,151 ( S.D.N.Y. 1972.

Even when liberally construed, plaintiff's Complaint does not meet the pleading requirements of Fed.R.Civ. P.8. Plaintiff's papers contain disjointed, incoherant,vague,and conclusory statements.The myriad allegations made by plaintiff include: a massive conspiracy under the direction of the "Watergate of New York and the Jewish Mafia";political slavery waged against him, marked by false arrests,false inprisonments, false accusations of mental illness, kidnapping, theft of the family farm, and"endless divorce"; sting operations; improper telephone billings, lack of enforcement of separation of church and state;racial, religious and political persecution; and legal malpractice. Plaintiff seeks various forms of relief including injunctive relief,- - -

investigations into several matters cited in complaint,as well as approximately $ 140 billion in daamges.

" When a Complaint does not comply with the requirement that it be short and plain, the Court has the power, on its own initiative, or in response to a motion by the defendants to strike any portionsthat are redundant or immaterial: see Fed.R.Civ.P.12(f) or to dismiss the complaint." Salahuddin, 861 F 2d at 42. Dismissal is appropriate where it is " "confused,ambiguous, vague or otherwise unintelligible that its true substance, if any , is well disquised."Id, In light of the unclear, rambling and generally incomprehensible nature of plaintiff's papers, defenants efforts to answer and prepare for trial are hindered. Thus, a dismissal pursuant tp Fed.R.Civ.P.8 (a) and 12 (f) is warranted.

Given the judiciary"s preference for adjudication of claims based on there merits, rather than on procedural require= ments,it is generally considered an abuse of discreation, absent extraordinary circumstances, to deny leave to amend a complaint when dismissing it for failure to comply with Rule 8 standards. For example, such special conditions exist where leave to amend have already been granted and the successive pleadings remain unsatisfactory or where the substance of the claimis deemed "frivolous on its face." Salahuddin, 861 F.2d at 42.

Because such extraordinary circum - stances do not surround plaintiff's Complaint, it is dismissed without prejudice, with leave to file an amended complaint which "omits unnecessary detail," Id, at 43 and which meets the requirements of Fed. R.Civ.P 8.

## CONCLUSION

For the reasons set forth above, this court grants defendants motions to dismiss the Complaint pursuant to Fed. R.Civ.P.8 (a) and 12(f).[2] Consequently plaintiff's motion to join ten additional defendants is moot, and is therefore denied.

---

[2]As to those defendants who have not moved to dismiss,or have moved to dis - miss on grounds other than those set forth by the Court herein, the court dismisses, sua sponte, the Complaint as to them on the grounds stated herein. See Grames V Supreme Court of the State of Alaska, 974 F.2d, 1342, 9th.Cir. 1992) (unpublished disposition)(A trial court may dismiss a claim sua sponte pursuant to Fed.R.Civ.P. 12(b)(6), especially if plaintiff is given notice and a chance to amend the complaint);see also----

Tyler V City of Omaha, 780 F.Supp.1266, 1269-70(D.Nebraska 1991): Perez V Ortiz,849 F.2d.793, 797-80 (2d Cir.1988). Wong V Bell 642 F 2d 359,361-62 ( 9th. Cir.1981.

ORDER

IT HEREBY IS ORDERED, THAT plaintiff's complaint is DISMISSED, without prejudice, pursuant to Fed.R.Civ.P.8(a) and12(f).

Further, that plaintiff shall file with the Clerk of the Court and serve an amended complaint which complies with Fed.R.Civ.P.8 within (15) days of receipt of this decision and order, or else this action will be dismissed with prejudice.

Further, that plaintiff's motion to join additional defendants is DENIED.

SO ORDERED.

dated January 5, 1993
Buffalo, New York

William M.Skretney
United States District Judge

Attest ; a true cop y
U.S.District Court, WDNY
Rodney C.Early, Clerk